

BOARD OF ADJUSTMENT STAFF REPORT

SP-08-10

Ray Zobel & Sons, Inc.

Public Hearing Scheduled for: 04/29/10

1. Request

A request for a special exception permit to authorize the location and operation of a proposed private landfill.

2. History

Location/Zoning	Permits Issued	Previous BOA's	Citations
<p>Property is located in the Agricultural zoning district, on real estate described as: part of the SW ¼, SE ¼, section 19, T12N, R4E, Town of Reedsburg.</p> <p>Lands surrounding the site to the North, West and East are all zoned Agriculture and lands to the South are zoned Exclusive Agriculture.</p>	<p><u>Land Use Permits:</u> None Found</p> <p><u>Septic Permits:</u> None found</p>	None found.	None found.

3. Finding of Fact:

When reviewing a special exception proposal and change in land use, the Board of Adjustment looks at several criteria, including promoting public health, safety and general welfare, whether there are constraints to development and impacts to surrounding properties and if the proposed use is consistent with local and county development plans and codes.

Section 7.05(2)(l)10 of the Sauk County Zoning Ordinance provides that a special exception permit is required for public and private landfill sites.

Surrounding Properties		Floodplain/Wetland	Other:
North:	An existing mineral extraction site and 3 residences within ¼ mile of the site.	There is no indicated floodplain on this parcel. Floodplain map, panel 550391 0331, effective date 12-15-09. No wetlands are indicated in the project area.	
East	Agricultural property and farm/residence within ½ mile of the site.		
West	Agricultural property and 2 residences within ½ mile of the site.		
South	Agricultural and forest properties.		

4. Explain the pictures and view the video

5. Plan Commission/Town Recommendation

The Town of Reedsburg has not made a recommendation for this request.

6. Planning and Zoning Recommendation

A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits within one year of the hearing date. County permits required for this approval include land use permits.

B. The permit shall remain in effect for five years and may be renewed by the Board at that time.

C. Permit shall not be transferrable.

D. All temporary access roads as well as permanent all-weather access roads on site shall be maintained in such a manner as to eliminate off site erosion.

E. A Reclamation plan shall be submitted to and approved by Sauk County Planning & Zoning prior to operation/dumping.

F. Financial assurance shall be submitted to Planning & Zoning at the rate of \$1,500/acre. Operation shall not commence until this is on file.

G. Ray Zobel and Sons are the only ones allowed to deposit/dump. Any deposits/dumping made by others constitutes a violation and the Special Exception Permit shall be immediately revoked. Ray Zobel and Sons will be responsible for all clean up required through the Department of Planning and Zoning, the Wisconsin Department of Natural Resources and any other County, State or Federal Agencies, as required by law.

H. Appropriate screening and reclamation shall be deployed and maintained to minimize the aesthetic impact of the landfill upon neighbors and other members of the public. As part of this condition, Zobel's shall submit a screening and reclamation plan within 60 days to the Sauk County Planning and Zoning Office for consideration and approval.

I. Only clean (nontoxic or nonhazardous) fill is allowed at this site. Clean fill includes: clean soil, brick, building stone, concrete, reinforced concrete, broken pavement, and unpainted and untreated wood.

J. Permit boundaries of the landfill shall be clearly posted with NO TRESPASSING signs. A locked gate shall remain in place near the entrance of the land fill.

K. Ray Zobel and Sons shall submit proof to the Sauk County Planning and Zoning Office that all necessary permits issued by the DNR are in place.

L. The Sauk County Planning and Zoning Office shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of the Sauk County Codes.

M. The authority to ensure compliance with these conditions is given to the Sauk County Planning and Zoning Department. If that department finds that any of these conditions is violated, it is hereby authorized to take corrective action, either through suspension of the permits, citations or by any means of enforcement that is within its authority.

***Note to Board Members:** Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit **reinstated after suspension**, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Planning & Zoning Director or appear in front of the Board of Adjustment. In order to the special exception permit **reinstated after revocation**, the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.*

Report submitted by David D. Lorenz